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COMMITTEE ON THE RIGHTS OF THE CHILD

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

reports of States parties due in 1992

Addendum

GHANA

[20 November 1995]

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MAP OF GHANA SHOWING REGIONS

I. GENERAL MEASURES OF IMPLEMENTATION

A. Introduction

1. Ghana ratified the Convention on the Rights of the Child in February 1990, the first country to do so. Ghana was probably quick to ratify the Convention because it already had in place structures to facilitate and accelerate planned programmes and activities aimed at promoting child survival and development.

2. The establishment of the Ghana National Commission on Children (GNCC) in 1979 constituted the main governmental agency responsible for advocacy on behalf of children and coordinating the activities of child-related agencies in respect of services to promote child welfare.

3. Other activities already being seriously pursued by Government to enhance proper child development include:

(a) In the area of health care, various activities and innovations had been initiated to promote primary health care (PHC) and facilitate the expanded programme on immunization (EPI);

(b) Educational reforms which opened the educational system to admit more children and through its curricular reform to ensure that at the end of a basic nine years in school, children acquire basic skills in one trade or another;

(c) Social service activities centred on ways to deal with problems such as child labour, street children, child maintenance, abandoned and orphaned children;

(d) Nutritional activities including promoting exclusive breast-feeding for babies and use of WEANIMIX (a local preparation) as weaning food for infants and children.

4. These apart, serious problems exist which affect the full realization of Ghana's commitment to the survival and development of its children.

5. Paramount of course is underdevelopment and inadequate national resources coupled with a hostile global economic environment plus sociocultural factors. Additionally, the age-sex structure of Ghana's last census held in 1984 indicated that 45 per cent of the population are under age 15 years. This structure carries in its trail a high youthful dependency ratio of about 88 per cent. The recent Ghana Living Standards Survey Report (GLSS 3) estimates that 54 per cent of the population is under 18 years.

6. The heavy burden on the active population limits their ability to save, thus lowering investments that form a basis of employment generation for the growing army of job seekers. The burden will get worse as Ghana starts to feel the effects of the AIDS pandemic, unless effective measures are adopted to curtail its spread.

7. Lastly, government bureaucratic processes pose an obstacle whenever major changes or revisions have to be effected in existing structures.

B. Measures taken to harmonize national law and policy with the provisions of the Convention

8. After the ratification of the Convention on the Rights of the Child, the Ghana National Commission on Children became the main coordinating body, both for publicizing the Convention, as well as facilitating the processes needed to give effect to the provisions of the Convention. With reference to the latter, a major activity of the Commission constituted the drawing up of the National Programme of Action (NPA) as a follow-up to the World Summit for Children. It is important to note that the objectives and policies outlined in the NPA have been incorporated into the National Development Policy Framework of the country.

9. Another important step taken by the country is the 1992 Constitution that guarantees some rights and freedoms for Ghanaian children. The Commission on Human Rights and Administrative Justice is now available under the Constitution to protect the human rights of children. The provision enjoins Parliament to enact such laws as are necessary to ensure the survival, development and protection of children. It further gave a single age definition of a child - who is a person below the age of 18.

10. To streamline activities pertaining to early childhood development (ECD) programmes in the country, the Commission has made proposals to Government for a unified policy on ECD. This is yet to receive Government's approval.

11. There exists a considerable amount of legislation designed to protect children from neglect and abuse. However, apart from a small number of juvenile offenders being brought to court the child protection laws are rarely invoked. Culturally it is felt more appropriate for abuse and neglect to be dealt with at a family and community level. Other reasons advanced for the lack of enforcement are inadequate resourcing, bureaucratic inertia, lack of appropriate logistics and infrastructure and outdated legislation. There is a challenge for the GNCC to exert a greater influence on policy and administration in order to remedy this situation.

12. The Department of Social Welfare and the Police which have to deal with most of the problems of children are beset with all sorts of problems ranging from inadequate budgetary allocation and inadequate staffing which makes it impossible to extend social services to every part of the country. This means that many children suffer from social injustices. However, during the past few years NGOs and the Commission on Human Rights have increasingly taken on advocacy

13. District Assemblies are potential allies to deal with region/district-specific child problems by enacting appropriate by-laws to address child related problems.

C. Existing or planned mechanisms at national or local level for coordinating policies relating to children and for monitoring the implementation of the Convention

1. Publicizing the Convention

14. GNCC is the main body for coordinating policies relating to children. After the signing of the Convention, it also fell upon it to publicize and educate members of the public on the provisions thereof.

15. At the national and regional levels and through collaboration with other non-governmental organizations the GNCC carried out a number of activities to publicize the Convention. Activities included seminars for government officials and child-related agencies, community forums which also centred on the call to eradicate certain customs and practices which hamper proper child development.

16. The Mock World Summit for Children (September 1990) and the OAU Day of the African Child (June 1991), when children all over the country staged mock assemblies and cabinet meetings, were events through which both adults and children became informed about the Convention and the expectation of children concerning their rights to education, adequate health care, shelter, good drinking water and proper nutrition. These activities received nationwide press coverage.

17. Occasions such as Independence Day (6 March), National Children's Day (31 August) and the head of State's End of Year Activities for Children are capitalized on by the GNCC to highlight children's rights.

18. It is worthy of mention that some of these activities have been organized as community forums where child advocates have interacted with community members on matters relating to cultural/traditional practices and customs which infringe on the rights of the child. As a result of these interactions, some communities and other pressure groups initiated moves to eradicate certain practices that affect the proper development of children. For example, issues such as female circumcision and the committal of virgin girls to fetish shrines have been taken up by Parliament and it is expected that appropriate legislation will be enacted to deal effectively with these issues.

19. In order to make the provisions of the Convention widely available to the public, UNICEF sponsored the publication of the whole text in the two national daily newspapers, Daily Graphic and Ghanaian Times. Other summarized versions in leaflet form, including poster advertisements, have been undertaken country-wide.

20. The International Club of Journalists for Children's Rights (ICJCR), largely composed of practising journalists and other communicators, have kept the media scene vibrant as far as the Convention and other children's issues are concerned.

21. These notwithstanding, beyond official circles, one cannot claim to have reached all sectors of the country with the messages of the Convention. Attitudes are a major obstacle as far as promoting children's rights are

concerned. The traditional Ghanaian society is adult oriented and the principle of "first call" has very little or no meaning. GNCC will have to intensify its campaign to have children's issues placed at the top of the agenda.

2. Coordination of national policies

22. The Ghana National Commission on Children was constituted by statute in 1979 (AFRC Decree 66). The formation of GNCC was recommended by the Ad Hoc Committee on the International Year of the Child which was set up by the Ministry of Foreign Affairs to prepare Ghana for the International Year of the Child. The statute sets out the objectives of the GNCC, the most relevant one being "to see to the general welfare and development of children and coordinate all essential services for children in the country that will promote the United Nations Rights of the Child". The Commission has a chairman and representatives from ministries and the professions. There is a secretariat which is funded by government subvention. The GNCC is currently in the process of developing a new corporate plan to take it into the next century.

23. Following the World Summit for Children a multisectoral task force was established with wide representation to quickly draw up a National Programme of Action for Child Survival and Development (NPA). The GNCC provided the secretariat with technical and financial support from UNICEF.

24. Completed in 1992 many of the principles of the NPA have been included in the National Development Policy Framework prepared by the National Development and Planning Commission. In the near future all ministries and district assemblies will be asked to submit development plans that fit within this framework. The NPA will be recirculated to all districts. Regional coordinators of the GNCC will seek to make sure that issues concerning the rights of the child are adequately addressed in the district development plans. The current draft Ghana development policy, which will be presented to Parliament in the form of the Presidential Report on the Coordinated Programme of Economic and Social Development Policies, adopts a human-centred development approach and recognizes the need for development with equity. Without this there is a danger that many sections of society will not be able to take advantage of the increasing prosperity being enjoyed by other sections.

3. Monitoring the implementation of the Convention

25. The GNCC has been asked by the Government to prepare the reports to the Committee on the Rights of the Child. The drawing up of the NPA was a multisectoral task, as has been the compilation of the Situation Analysis on Women and Children which is due to be published early next year. This CRC report was drafted by the executive of the GNCC for submission to Commission members before being passed to government agencies, NGOs, UNICEF, etc., for discussion. Prior to writing the draft sector government agencies were asked to submit written reports.

26. It is envisaged that the GNCC will continue to monitor the Convention through the monitoring processes of the district development plans, the National Plan of Action and by talking directly to groups of children. The GNCC hopes to be able to do this in conjunction with other monitoring agencies, particularly the NDPC. Although there are 110 districts in Ghana it is felt to be more practicable to select 1 district from each of the 10 regions to monitor the progress made in the field of child rights and protection.

II. DEFINITION OF THE CHILD

27. There is no one definition of the child in terms of age in Ghana. Recently, it is understood that the Law Reform Commission has been asked to solicit views concerning the age of majority. The 1992 Constitution defines a child as a person under 18 years old for the purpose of article 28 which states:

> "(1) Parliament shall enact such laws as are necessary to ensure that -
>
> "(a) every child has the same measure of special care, assistance as is necessary for its development from its natural parents except where those parents have effectively surrendered their rights and responsibilities in respect of the child in accordance with the law;
>
> "(b) every child whether or not born in wedlock shall be entitled to reasonable provision out of the estate of its parents;
>
> "(c) parents undertake their natural right and obligation of care, maintenance and upbringing of their children in cooperation with such institutions as Parliament may, by law, prescribe in such manner that in all cases the interests of the children are paramount;
>
> "(d) children and young persons receive special protection against exposure to physical and moral hazards; and
>
> "(2) Every child has the right to be protected from engaging in work that constitutes a threat to his health, education or development.
>
> "(3) A child shall not be subjected to torture or other cruel inhumane or degrading punishment.
>
> "(4) No child shall be deprived by any other person of medical treatment, education or any other social or economic benefit by reason only of religious or other beliefs.
>
> "(5) For the purposes of this article, 'child' means a person below the age of eighteen years."

As will be seen below each definition seems to have been drafted in the narrower context of a particular statutory purpose.

A. Education acts

28. The Education Act of 1961 (Act 87) made basic education free and compulsory for all children of school age. In the context of the 1987 Education Reform Programme, basic education is defined as the first 9 years of school, which is free and compulsory for all children aged between 6 and 15 years and which consist of 6 years primary and 3 years of junior secondary school. The 1992 Constitution gives all persons the right to equal educational opportunities (art. 25).

B. Labour laws

29. Under the Labour Decree 1967 (NLCD 157), until the apparent age of 15 years when basic education is deemed to have ended, a child may only be employed within his own family, in light work strictly of an agricultural or domestic nature. Working for pay is permitted, within limits, for persons between 15 and 18 years, otherwise described as "young persons".

30. Child labour does, however, exist in Ghana in the informal sector and generally takes the form of self-employment as portering, shoe-shining, petty trading, newspaper selling, domestic labouring and others.

31. Despite the fact that there are laws to protect children from the abuses of some types of child labour, only half-hearted attempts are made to enforce the law. There is little consensus in attitudes and practice over what constitutes abuse in terms of labour. However, very often child labour is due to genuine poverty within the family. Society accepts that under these circumstances the children are obliged to contribute to not only their own upkeep but the family's as well.

32. Law enforcement is also hindered because of the extended family system. Guardians of working children are often relatives and there is a reluctance to prosecute them.

33. Efforts are being made by the GNCC and some NGOs, such as Catholic Action for Street Children, to organize educational programmes for children who must work during school hours.

C. Sexual consent

34. By the Criminal Code (Amendment) Act 1993 (Act 485), the legal age of sexual consent is 14 years. Defilement of a female under 14 years of age is a strict liability offence and is classed as a second degree felony. Between 14 years and the marriageable age of 18 years no special legal protection exists for girls.

D. Marriage

35. The Marriage Ordinance, cap. 127, makes the legal age for marriage as 18 years for girls and 21 years for boys, respectively. Customary practices in certain parts of the country lead to both early betrothal and

marriage of girls. Where it can be proved that the girl's consent to an early customary marriage was absent, a prosecution for forcible marriage can be carried out. But, of course, many females do not know that they have the right to refuse early marriages. Many feel compelled to cohabit with a man by circumstances such as poverty. Public education is geared towards educating families about the health hazards of early marriage to the girls and encouraging parents/guardians to allow girls to go to school and spend more years in school before marrying and starting families.

E. Enlistment in the armed forces

36. The legal age for joining the armed forces is 18 years. There is no law on conscription.

F. Age of criminal responsibility

37. The minimum age of criminal responsibility is 7 years. However between 7 and 12 a child cannot be prosecuted if he has not attained sufficient maturity to judge the nature and consequences of his conduct.

38. The juvenile court process is only available to juveniles, who are defined as being under 17 years of age.

39. Further protection is provided under section 314, Code of Criminal Procedure 1960, Act 30, which provides that the sentence of imprisonment shall not be imposed on a person under 15 years or, in the case of a district or local court, 17 years of age. The child can, however, be tried in a juvenile court (subsection 340-351) and sent to an industrial school or borstal institution (SS 370-393). Article 15 (4), 1992 Constitution states that a juvenile who is kept in lawful custody or detention shall be kept separately from an adult offender. However, the Constitution does not define the age of a juvenile. In addition, the Code provides that the death sentence may not be imposed on a child.

III. GENERAL PRINCIPLES

A. Non-discrimination

40. Article 17, section 2, of the 1992 Constitution provides that no person shall be discriminated against on grounds of gender, race, origin, religion, social or economic status. Age is not a category to benefit from non-discrimination. The social implications of this omission may be important as in Ghanaian society, the younger you are the fewer privileges you get. An example of this may be the unequal distribution of protein foods to children compared to adults at mealtimes.

41. There are no institutionalized forms of discrimination in Ghana. They exist in forms that refer mainly to cultural practices such as denying girls the right to education. This practice is prevalent in all parts of Ghana. Other forms of discrimination can be seen in relation to economic factors.

B. Best interests of the child

42. Article 28 (1c) of the Constitution states that parents will undertake their natural rights and obligation for the care, maintenance and upbringing of their children in cooperation with such institutions as Parliament which may, by law, prescribe in such manner that in all cases, the interest of the children are paramount.

43. The Maintenance of Children Decree 1977, (SMC 133) also sees the child's welfare as being paramount in matters concerning paternity, custody and the maintenance of the child.

44. The Intestate Succession Law 1985 (PNDC 111) covers matters relating to the devolution of property to the child, be it born in or out of wedlock.

45. In pursuance of the best interests of the child, family tribunals were established to facilitate the administration of justice in cases of child maintenance.

C. Right to life, survival and development

46. The Criminal Code 1960 protects a child from being caused harm at birth and from his birth being concealed (sects. 60-63); from exposure to harm (sect. 71); from defilement (sect. 101) and from prostitution (sect. 110). Abortion is illegal in Ghana (sects. 58-59). Other measures to ensure the child's right to life and survival include the health regulation stipulating that all babies must be immunized against the six killer diseases before the age of one. The promotion of exclusive breast-feeding for the first four months of a baby's life is also being vigorously pursued.

47. Article 27 of the Constitution, which deals with women's rights, allows for facilities to be provided for the care of children below school age and it also guarantees a reasonable period of maternity leave with pay. However, in the rural areas facilities are few and maternity leave is only really available for the small numbers of women working in the formal sector. Under the Daycare Centres Decree 1978 (SMCD 144), the Government keeps track of the establishment and running of day-care centres. It is a part of the regulation for admission to day care-centres to examine a child's record of immunization. This helps to ensure that all the children grouped together are protected against the most important infectious diseases. Many unregistered centres continue to operate as enforced closure may have adverse effects on the ability of the mother to work.

48. The 1992 Constitution reinforces the child's right to proper development by the provision (25 (1b)) that basic education (tuition) shall be free, compulsory and available to all. To achieve universal education for all children, communities are encouraged and assisted to establish schools within easy reach of their children to supplement government schools.

D. Respect for the views of the child

49. The Ghanaian society is adult oriented and within family circles, the child is not permitted to give his opinion or views. However, within the

school system (mainly at secondary and tertiary levels), through the institution of the student representative councils, children are able to discuss and interact with adults on issues that affect their well-being.

50. To give effect to this provision in the Convention and to encourage adults to listen more and accept the views of children, people are beginning to use children to speak to adults on issues relating to the environment, family planning, health care, education, etc. This achieves the dual purpose of educating the children themselves on these issues and getting the adults to accept the truth from children.

IV. CIVIL RIGHTS AND FREEDOMS

51. To correct an obvious dearth of legislation on the rights and freedoms of the Ghanaian child, Ghana took advantage of the Convention to make provisions for the child in the Fourth Republican Constitution. The relevant section is article 28 (1-5).

A. Name and nationality

52. Article 6 (2) of the same document guarantees the nationality of any child born in or outside Ghana if either of the parents is or was a Ghanaian. Article 6 (4), 1992 Constitution, states that "a child of not more than seven years of age found in Ghana whose parents are not known shall be presumed to be a citizen of Ghana". A child under 16 years of age neither of whose parents is a citizen of Ghana who is adopted by a citizen of Ghana shall, by virtue of the adoption, be a citizen of Ghana.

B. Preservation of identity

53. The Births and Deaths Registration Act 1965 (Act 301) compels all people resident in Ghana to register the birth of all babies. To facilitate compliance with this act, the authorities have made their services available in all major hospitals, clinics and ante- post-natal clinics. However, it is acknowledged that in many rural areas registration of births is infrequent.

54. The law governing the establishment of child care institutions in Ghana requires that after children have been admitted to the children's homes efforts should be made by the social workers to locate and identify relations of abandoned children to re-establish family ties.

C. Freedom of expression

55. The 1992 Constitution of Ghana provides that every person has a right to freedom of expression. The school curricular system and extracurricular activities encourage children to express themselves freely through cultural, artistic and environmental programmes. Children also participate in international art and cultural programmes as well as other cultural festivals.

56. Mass media coverage of issues concerning children is considered to be one of the very important means of bringing to public attention problems of children and also a means of pressurizing Government and other related

agencies to address these problems. The Commission on Children has an annual awards scheme, in collaboration with UNICEF Ghana, to encourage journalists and other communicators to highlight children's issues.

D. Access to appropriate information

57. Inequities exist in the distribution of libraries and access to school textbooks. Newspapers are also more difficult to obtain in rural areas. Radio broadcasts can be received in all parts of Ghana. The Cinematography Act protects children from exposure to unsuitable materials, especially through the State-owned mass media.

58. Lack of enforcement of the law in the private sector, especially with regard to video viewing, however, has resulted in a situation where children are admitted to and exposed to all kinds of adult films.

59. Many Ghanaians attribute problems of drug abuse, early pregnancy, violence and burglary by youth to the influences of some foreign films.

E. Freedom of thought, conscience and religion

60. The Constitution (art. 26 (1)) guarantees the rights of persons to freedom of thought, conscience, religion, association and peaceful assembly, and the natural parents of the child are under obligation to guide the child in these respects until the attainment of adulthood (art. 28 (1c)).

F. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment

61. The Criminal Code, 1960 (sects. 31, 32, 34) protects a child from the use of unjustifiable force for his correction. The Constitution (art. 28 (3)) categorically provides that no child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishments. Section 1, Criminal Code (Amendment) Act 1994 makes female circumcision illegal.

V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

62. The Department of Social Welfare (DSW) provides welfare services to children in cases of child neglect, child abuse, juvenile delinquency, child abandonment, adoption, child custody, etc. The DSW operates three children's homes in Ghana which at the present time cater for about 100 children. Usually the homes provide short-term care for very young children whose mothers have died in childbirth or been imprisoned, or for children who have been abandoned. These children are then returned to their families or placed for adoption according to the legislation through the courts. There are four other NGO homes known to the GNCC. These homes are regulated by the DSW in terms of licensing them to operate, but more official oversight is needed on the admittance and discharge procedures.

A. Parental guidance and responsibility

63. Under the Child Maintenance Decree (SMCD 133) a parent is legally liable to maintain a child and supply the necessaries of health, life and reasonable education of that child. This provision is also enshrined in the Constitution (art. 28 (k)) stressing the best interest of the child.

64. State institutions such as the Borstal institute, industrial schools for boys and girls, remand homes and children's homes provide alternative care for the few children who for one reason or another have to be removed from the family environment. Approximately 300 children are in residential care.

B. Separation from parents and family reunification

65. The Code of Criminal Procedure 1960 (Act 30) regulates the conditions under which a child can be separated from its parents (sect. 349 (1a-m)). In some of the circumstances of separation such as divorce, mental illness, incarceration of the mother, death, efforts are made to place children in the care of a family member or failing that, to a fit person (legal term for foster-parent) within the community.

66. In cases where children are committed to industrial (reformation) schools, parents are allowed to visit. However, in cases where the children have committed crimes against the parents, there is a reluctance to visit.

C. Recovery of maintenance for the child

67. The Maintenance of Children Act 1965 and the Maintenance of Children Decree 1977 establish the obligation of parents, both mother and father, to contribute towards the maintenance of a child. The Decree sets up family tribunals with jurisdiction to hear and determine complaints regarding paternity, custody and maintenance of children. The Courts Act 1993 (Act 459) establishes these courts in all 110 districts.

68. Problems are encountered, however, especially because men who neglect maintenance of their children are those who have more children than they can afford to look after. So that even where an award is made in respect of child maintenance, it is insufficient and difficult to enforce.

69. In case of maintenance claims from outside the country, the claimants are usually unable to bear the cost of the processes and it takes a longer time for such processes to yield fruit. This discourages people from pursuing this course.

70. The Federation of Women Lawyers (FIDA) is especially concerned with this aspect of law and through the legal aid system assists women and children in recovering maintenance.

D. Children deprived of family environment

71. Children are placed in the custody of a fit person or the children's home when conditions at home are found not conducive for the child's development (Code of Criminal Procedure 1960, Act 30, sect. 350).

72. The Ghanaian family system has a way of placing children with relatives. and even though conditions may not be all that conducive, they provide alternative care for children who may have to be separated from their own parents.

E. Adoption

73. The Adoption Act 1962 (Act 104) regulates adoption procedure in Ghana and is in harmony with the provision of the Convention.

74. Customary adoption also takes place in the country when an orphaned child is given to a relative to raise and maintain. There are also situations where a child is also given to another relative to be educated or trained in a trade. Unfortunately, there are an undetectable number of girl children whose rights are being abused through working as domestic servants. There is no legislation that appears to govern private fostering and any legislation would be very difficult to resource and enforce because of the large number of social workers that would need to be employed.

F. Homeless and street children

75. Children living and working on the streets is a growing phenomenon in Accra, Kumasi and other regional capitals. It is thought to be caused by the difficult economic and social circumstances experienced by families in rural areas and the process of urbanization. Unemployment, housing shortages and low informal sector wages all militate against adequate support and secure lifestyles for children living in these cities. The Department of Social Welfare has recently developed a policy for street children and wishes to work in collaboration with other agencies and NGOs to provide education and training. Although the numbers of street children cannot be quantified, it is recognized that the DSW does not have the appropriate facilities or adequate resources to cope with the problem. NGOs such as Response, Resource and Catholic Action for Street Children are assisting in the management of this issue by offering refuge, day centres, education and skills training.

VI. BASIC HEALTH AND WELFARE

76. The Ministry of Health (MOH) is the central government agency in health matters. Its role is, among other things, to define and monitor health needs, to ensure equitable access to basic health care and to implement essential public health programmes.

77. The government policy is committed to improving the health of all people by making basic health facilities accessible to all Ghanaians. However, the qualitative "Extended Poverty Study" (1995), commissioned by UNICEF, said that in three regions "high user costs are resulting in exclusion of the poor from utilization of hospital services". Poor people valued the range of orthodox health-care services and acknowledged the expertise of government medical staff, but were frustrated by costs, delays and staff attitudes and tended to use alternative services. Utilization of primary health-care facilities in Ghana is not particularly high.

A. Survival and development

78. The Code of Criminal Procedure 1960 (Act 30) protects the child from being caused harm at birth and from its birth being concealed (sects. 60-63), from exposure to harm (sect. 71), from child stealing, abduction and abandonment (sects. 93-96), from defilement (female child) and from prostitution (sect. 110). The 1992 Constitution also provides for the right of every child to maintenance and assistance from its natural parents as is necessary for its development.

B. Disabled children

79. The Constitution guarantees the right of the disabled to special treatment. Government provides facilities for the development of the disabled child. Schools for children with physical and mental handicaps are situated in various parts of the country to cater for disabled children. However, these are few and far between and they are not able to meet the special needs of all these children. As a new strategy the Department of Social Welfare is operating Community Based Rehabilitation Services (CBR) in 20 out of 110 districts with the assistance of UNDP, the Norwegian Association for the Disabled and the Swedish Organization of International Handicapped Aid Foundation. It is anticipated that CBR will become the major method of delivering government assistance to the disabled. CBR encourages children to attend local schools.

C. Health and health services

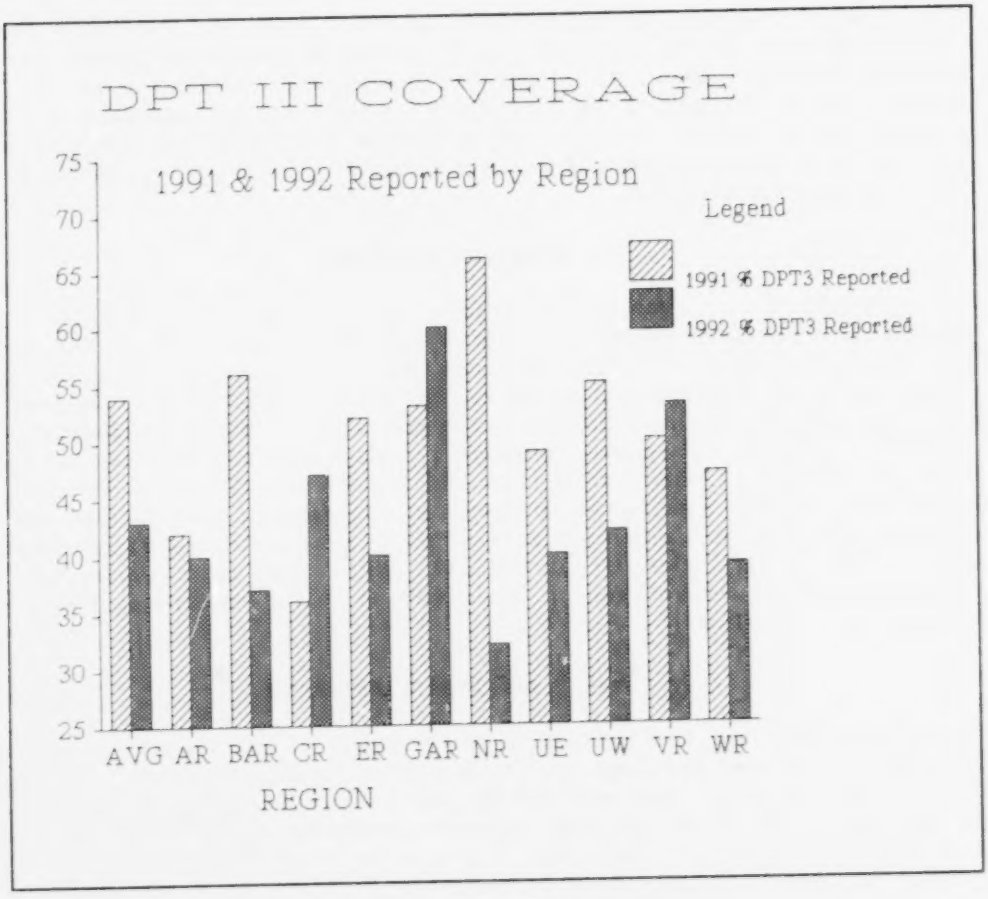
80. Under the Maternal and Child Health/Family Planning (MCH/FP) section of the MOH, facilities and services exist throughout the country to promote mother and child health. Emphasis is on disease prevention through implementation of the risk approach and strengthening of the referral systems.

81. Child survival activities include breast-feeding, oral rehydration therapy, expanded programme on immunization, growth monitoring, nutrition education/rehabilitation, anti-malaria therapy, school health programme and family planning.

82. The national child health policy is that every MOH service delivery point offers daily child health services through child welfare clinics. Visits are made by public health nurses to communities, to crèches and day-care centres to ensure that children falling in this age group (0-5) have been covered by the stated activities.

83. Outreach/mobile services are undertaken to immunize children in the remote areas of the country. In spite of these, immunization targets have not been met. In 1992 total coverage declined from 54 per cent to 43 per cent using DPT 3 as a proxy for overall coverage. This is attributed partly to a decrease in resources allocated in 1992 and to a six-week strike by nurses during that year (see figure I).

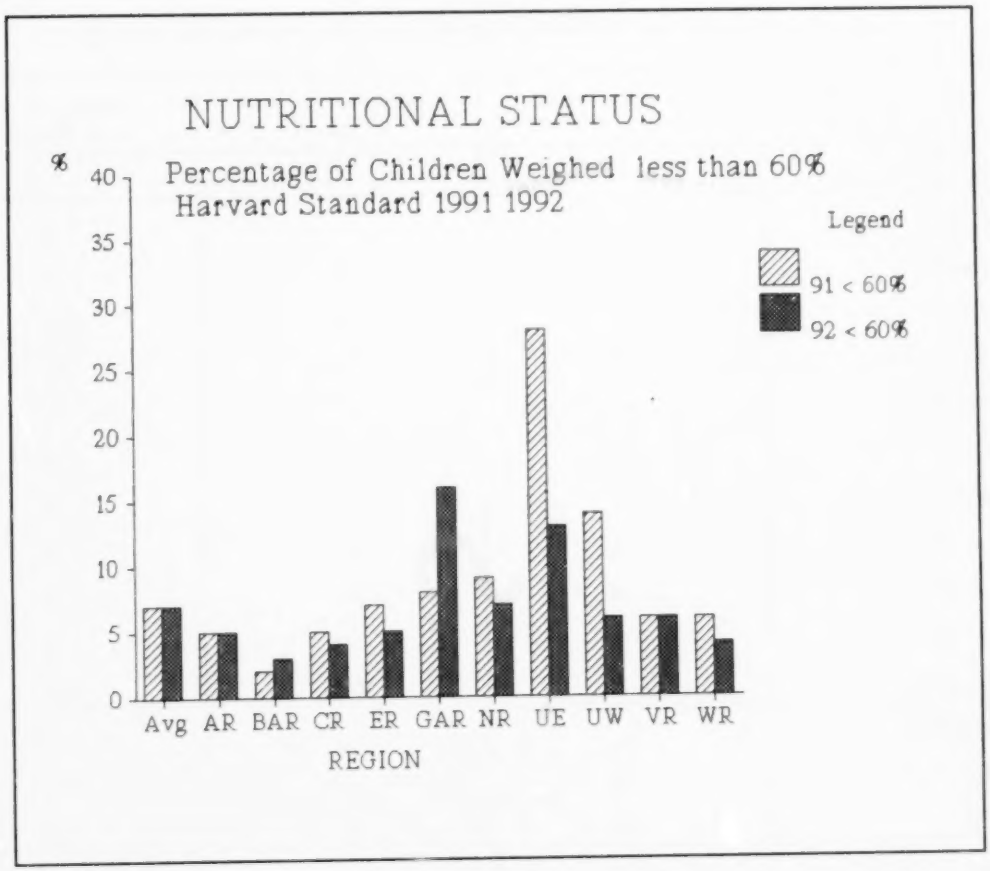
Figure I



84. Mothers receive instructions at child welfare clinics on proper nutrition (breast-feeding and weaning diets). Community-based weaning food production is also undertaken both by governmental agencies (Nutrition Division, MOH; Ghana National Commission on Children) and non-governmental agencies (UNICEF, Centre to Prevent Childhood Malnutrition).

85. Malnutrition is still a serious problem and remained static at 7 per cent between 1991 and 1992. There is considerable regional variation and a marked "hungry season" in the northern areas. To arrest this problem, it is planned to strengthen community-based programmes aimed at reducing the prevalence of protein energy malnutrition.

Figure II



1. Traditional birth attendants

86. Training of traditional birth attendants has been undertaken by MOH with NGO/UNICEF assistance to improve traditional methods of child delivery in rural areas. Practising private midwives also receive some training.

2. Primary health care (PHC)

87. PHC in the context of the MCH/FP incorporates activities such as environmental sanitation, family planning, community-based clinics and nutritional activities.

88. Communities are encouraged to form health committees. In 1992 there were 1,485 functioning health committees throughout the country.

Table I

Infant and child mortality rates, rural-urban variations

Mortality rates per 1 000 births	Under 1 year	Between 1 and 4 years	Total under 5 years
Total country	82	53	132
REGIONS			
Western	69	41	107
Central	87	58	140
Greater Accra	55	29	82
Eastern	62	37	97
Volta	64	38	98
Ashanti	75	47	119
Brong Ahafo	86	57	139
Northern	128	101	217
Upper East	105	78	176
Upper West	118	91	199
RESIDENCE			
Urban	70	43	109
Rural	86	57	138

89. For community-based activities the World Bank and the World Food Programme allocated funds to provide logistical support for the MCH/FP in the form of affordable, acceptable strategies and technology. Equipment needed for outreach activities, however, is still not available.

90. The infant mortality rates are lowest in Greater Accra and are highest in the three northern regions. There are considerable variations to the number of deaths on a seasonal basis with the highest rates being recorded during the lean season.

3. School health

91. The School Health Policy aims at promoting the health of children in all schools. This is an intersectoral programme comprising the Ministries of Health and Education, the Department of Social Welfare and other governmental agencies. Reported coverage of visits made to schools by school health teams amounted to 25 per cent. During the period 1991-1992, a total of 284,715 schoolchildren were examined. Minor ailments were treated whilst those requiring further health care were referred.

92. The Dental Service is severely limited due to the shortage of dentists and the high cost of the service. Other constraints are lack of transport and supplies.

4. Health finance

93. The total health expenditures in Ghana consist of Ministry of Health expenditure, private health care for profit, donor and NGO expenditures.

Table II

Ministry of Health expenditure 1986-1990

Year	Total MOH (billion cedis)	Total MOH real 1986 terms	MOH per capita (cedis)	MOH real per capita (cedis)
1986	7.14	7.14	542.40	540.40
1987	7.77	5.55	571.33	408.10
1988	11.40	6.20	811.50	441.30
1989	19.30	8.39	1 330.40	578.30
1990	26.00	8.36	1 736.00	558.30

Source: Asamoah-Baah, Anarfi. An Option Appraisal for Health Development in Ghana 1991.

94. Public sector per capita spending on health care has not increased appreciably over the years as a result of high population growth and inflation.

95. Out of a total of 28,659 billion cedis budget for health in 1992, MCH/FP was allocated 1,236 million representing 4 per cent of the whole. Donor support amounted to 28 per cent of the budgetary requirement.

D. Social security and child care services and facilities

96. Government provides funding for a basic minimum package of cost-effective health services at the regional, district, subdistrict and community levels. The public shares the cost of health care with Government through payment of fees for services and drugs. Children are not exempted from paying user fees. Government, however, makes exemption for paupers though in practice it seems that very few people are recommended for exemption.

97. Within the Civil and Public Services, the Government refunds hospital/drug charges to its employees, including their spouses and children. Some other employing organizations make similar provisions for their employees. There is a national social insurance system which is designed to provide life assurance and pension benefits for people who make monthly contributions. Although mandatory, it is not enforced outside the formal sector.

E. Standard of living

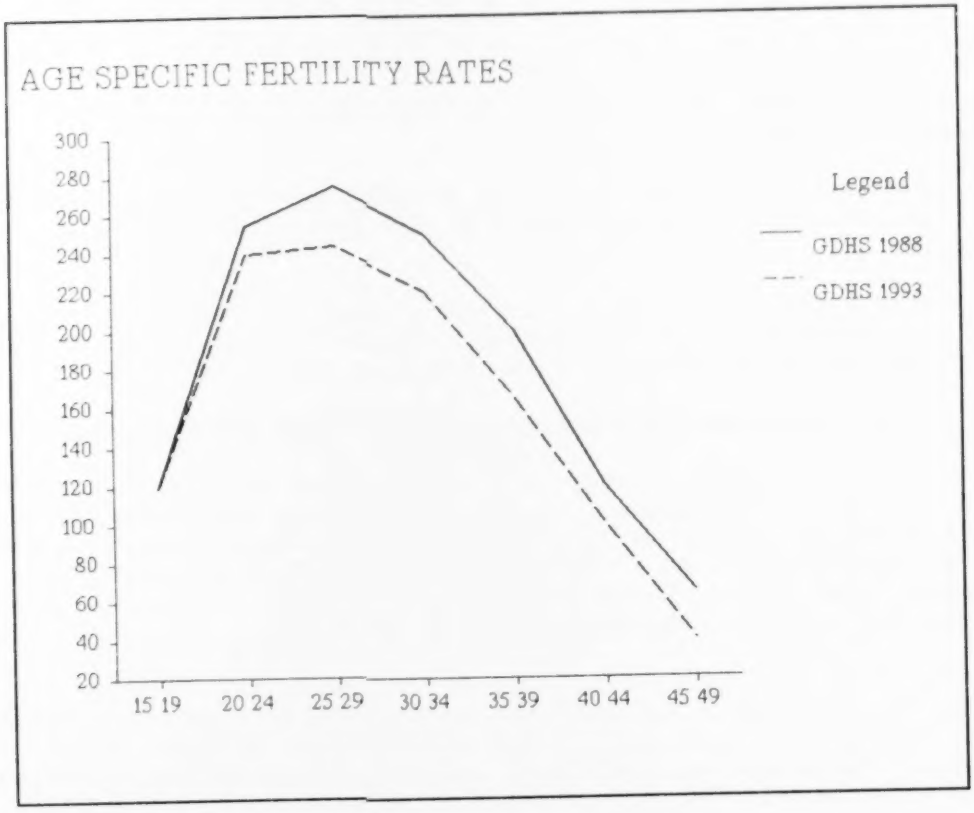
98. The provision of basic human needs such as shelter, clean water, sanitation, waste disposal and adequate nutrition has assumed large dimensions that are severely stretching the national resources.

1. Population

99. Rapid population growth of 3 per cent per annum, with 45 per cent of the population under 15 years (1984 census) places a heavy burden on the resources of the productive members of society. Economic growth has not managed to keep pace with population growth.

100. From 1960 to 1988 the total fertility rate (TFR) varied from 6 to 7. The 1993 Demographic Health Survey shows that there has been a small decline in the TFR from 6.4 to 5.5. However, it is a cause for concern that for the age group 15-19 years the specific fertility rate observed are 119 births per 1,000 women.

Figure III



Age distribution in year groups among children, 1993

Group	1993
under 1	428 418
1 to 5	2 668 968
6 to 11	2 729 494
12 to 15	1 522 291
Total	7 349 171

Source: Projected from 1984 census data.

2. Gender issues

101. There are considerable discrepancies regarding gender issues. The 1984 census showed that while 48 per cent of men aged 15 years and over had attended school only 33 per cent of women had ever attended. According to the GLSS 3, 33 per cent of all households in Ghana are headed by women; this rises to 36 per cent in rural areas. Women make up 52 per cent of the agricultural labour force and are thought to account for 70 per cent of subsistence crops but only 25 per cent of farm managers are female (Revised Population Policy 1994).

3. Poverty and housing

102. Despite improvement in incomes during the 1980s the Ghana Living Standards Survey 1988 showed that 36 per cent of the population were living below the poverty line. Poverty is defined as having an income below two thirds of the national average. Among children, 7.8 per cent aged between 7 and 14 years are involved in economic activities (GLSS 3). Housekeeping activities take up 137 minutes daily for girls 7-14 years and 100 minutes for boys of the same age group; 14 per cent of girls in this age range spend over four hours a day on housekeeping activities.

103. The annual demand for housing is estimated at 70,000 while the delivery is only 30,000. In 1990 Accra was estimated to have a deficit of 17,000 units. Over half (52 per cent) of households in Ghana occupy only one room.

4. Water and sanitation

104. Rural-urban disparities exist in access to water supply and sanitation: 93 per cent of urban dwellers (communities of more than 5,000) have nominal access to safe drinking water but only 39 per cent of rural dwellers have access to this facility. In 1984 urban communities of this size made up 30 per cent of the population. Seventy per cent of people living in communities with populations between 500 and 5,000 have access to good

drinking water, mainly from pipe-borne supplies or boreholes with hand pumps. These communities constitute 20 per cent of the population. Only 15 per cent of people living in rural communities have access to potable drinking water; 46 per cent of people live in these communities (Children and Women in Ghana - a situation analysis 1989-90). A survey in Ashanti region by Twumasi et al., 1977, found that out of 136 households 88 had to walk for over 20 minutes to reach water.

105. Sanitation is generally low throughout the country contributing to the high levels of morbidity and environmental pollution especially in the urban areas.

5. Government action

106. To address the living standards in the country the Government has embarked on a campaign to build up a culture of responsible parenthood among the citizenry through a number of programmes including family planning, primary health care, family life education and HIV/AIDS education. To further buttress these campaigns the Government has revised its national population policy to reflect a more concerted effort to promote family planning, lower levels of fertility, morbidity and mortality, to reduce population growth and ensure a more balanced distribution of population, protect environmental resources and confront the threat to society from AIDS.

107. The National Programme of Action (NPA) for Child Survival and Development also seeks to give additional impetus to the efforts of Government to address the living conditions of the people.

VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

108. The Education Act 1961 (Act 87) made basic education free and compulsory for all children of school age in Ghana. Article 25 of the Constitution gives further endorsement to the Act.

109. School enrolment has been increasing in Ghana over recent years and education is seen by the Government as a major platform for development. However, studies still continue to show inequities in education provision and enrolment with females living in rural areas in northern Ghana being the most adversely affected.

110. Data from the last two Ghana Living Standards Surveys reveal a substantial rise in household expenditure on education. Official school fees, according to the Extended Poverty Study - Access and Utilization of Basic Social Services by the Poor in Ghana, 1995, are around 1,050 cedis per annum (US$ 1), which some parents find it hard to pay. There are in fact many legal payments levied on parents to cover building maintenance, parent teacher associations, classroom furniture, sports fees, examination fees, etc. While school enrolment rates have increased over the last eight years concern was expressed in the cited study that cost recovery measures and cuts in government expenditure have worsened the chances of rural children receiving quality education at primary level.

111. Basic education, within the context of the 1987 Education Adjustment Programme, is defined as the first nine years of school which comprise six years of primary schooling and three years of junior secondary school (JSS). JSS Graduates may enter apprenticeship and prepare for employment or continue schooling by entering senior secondary school or post-basic training institutions such as technical, commercial or vocational institutions.

112. The JSS curriculum is designed to provide opportunities for pupils to acquire basic pre-vocational, pre-technical and scientific knowledge and skills that will enable them to improve their aptitudes, bring out their potential and induce in them the desire for self-improvement, and appreciate the use of the hand as well as the mind and make them creative and production oriented.

113. Teething problems are being encountered in the Educational Reform Programme in terms of appropriate teaching, personnel and facilities. Parents find this system of education expensive because of the high cost of the technical materials they need to purchase for their children.

114. An achievement of educational reform is that more primary and JSS have been opened, especially in the very remote rural areas, thus bringing schools to the doorstep of many children. As at the end of 1992/93, there were 11,417 primary schools and 5,090 JSS with a total enrolment of 2,534,627 pupils as compared with little over 9,000 primary schools and 4,000 middle schools with an enrolment of about 1.4 million at the beginning of the reforms. Teachers are also now receiving in-service training to update their knowledge and technique.

115. Tables III, IV and V below represent percentage gender enrolment at the various types of school and represent distribution of enrolment. A striking feature of gender enrolment is the consistency over time and within level from 1988 to 1992. Also, the proportion of boys to girls increases with the level of education.

Table III

Percentage distribution of school enrolment, by level and gender

Year	1989		1990		1991		1992	
	Boys	Girls	Boys	Girls	Boys	Girls	Boys	Girls
Primary	55	45	55	45	55	45	55	45
JSS	59	41	59	41	59	41	59	41
SSS	67	33	67	33	67	33	67	33

Source: Estimated from Ministry of Education internal records.

116. Table IV shows that children in the south of the country have far higher enrolment rates than those living in the north (Northern Region, Upper West Region and Upper East Region). The gender balance in the north also more strongly favours the boys.

Table IV

Primary school enrolment (in 000s) and gross enrolment rates (GER) by region, 1990/91 and 1991/92

Region	Enrol. (000s)	% Boys	% Girls	GER	Enrol. (000s)	% Boys	% Girls	GER
Ashanti	327	53	47	82	337	53	47	80
Brong Ahafo	193	56	46	80	186	54	46	73
Central	197	55	45	95	187	54	46	86
Eastern	281	54	46	90	276	54	46	83
Greater Accra	176	51	49	61	174	51	49	56
Northern	124	66	34	53	136	65	35	52
Upper East	65	62	38	45	67	61	39	44
Upper West	43	59	41	52	42	57	43	49
Volta	195	54	46	89	195	54	46	85
Western	197	55	45	87	200	54	46	83
Total	1 785	55	45	76	1 800	55	45	72

Source: Estimated from MOE documents on school statistics for 1991 and 1992.

117. Preschools are not included in the free and universal education for children even though the Government encourages communities, non-governmental organizations, churches and individuals to provide those services.

118. Crèches and day-care centres are regulated by legislative instrument SMCD 144 of 1978.

119. The Preschool Unit of the Ghana Education Service (GES) undertakes the training of staff of day-care centres and also supervises and gives guidance to personnel of early childhood centres. However, there is only one National Nursery Teachers' Training Centre and so many of the staff are untrained. Data from the GES indicate that more than 80 per cent of child-minders in the country are untrained for the job.

Table V

Gross enrolment rates (GER) and enrolment (in 000s) at JSS level, by region, 1990/91 and 1991/92

Region	Enrol. (000s)	% Boys	% Girls	GER	Enrol. (000s)	% Boys	% Girls	GER
Ashanti	114	57	43	60	115	57	43	59
Brong Ahafo	63	58	42	55	65	58	42	55
Central	62	61	39	62	63	60	40	62
Eastern	89	59	41	60	87	59	41	58
Greater Accra	74	52	48	53	80	53	47	56
Northern	21	73	27	20	27	74	26	24
Upper East	11	64	36	16	13	65	35	18
Upper West	10	62	38	30	11	62	38	28
Volta	64	60	40	61	67	60	40	64
Western	57	60	40	53	58	60	40	52
Total	565	59	41	51	568	59	41	51

Source: Estimated from MOE documents on school statistics for 1991 and 1992.

120. UNICEF provides support for the Preschool Unit of the GES for in-service training of trainers courses. Some NGOs have taken the initiative to establish day-care centres (Young Women's Christian Association, World Vision International and the 31st December Women's Movement). As at the end of 1993, there were 7,829 established childhood centres throughout the country catering for about 12 per cent of the population of children under six years. The National Programme of Action (NPA) has proposals for expanding access to early child-care centres to cover about 30 per cent of children in that group by the end of the century.

121. Basic education takes 65 per cent of the education budget. Although Government spending on education is increasing, the population growth has meant that the per capita spending on education has declined.

A. Aims of education

122. Primary education being the basis for the rest of the educational system has the following objectives:

(a) Numeracy and literacy, i.e. the ability to count, use numbers, read, write and communicate effectively;

(b) Laying the foundation for inquiry and creativity;

(c) Development of the ability to adapt constructively to a changing environment;

(d) Laying the foundation for the development of manipulative and life skills that will prepare individual pupils to function effectively to their own advantage as well as that of the community;

(e) Inculcating good citizenship education as a basis for effective participation in national development.

B. Leisure and cultural activities

123. Provisions are made for extracurricular activities within the school system. Sporting activities, art and cultural programmes are taught and organized in schools. Competitions/exhibitions are organized on a district, regional and national basis. Schoolchildren are also encouraged to participate in international sporting, art and cultural programmes.

124. The National Youth Organizing Commission (NYOC) is established in all the regions and districts and works to enhance cultural activities among the children of Ghana.

VIII. SPECIAL PROTECTION MEASURES

A. Children in situations of emergency

1. Refugee children

125. Conflicts in Togo and Liberia led to floods of people coming into Ghana to seek refuge. Government, non-governmental and public response to the plight of the refugees was spontaneous. The National Mobilization Programme, a unit under the Ministry of Employment and Social Welfare set up initially in the wake of the deportation of Ghanaians from Nigeria, became the sole governmental organization for ensuring the welfare of the refugees. At the different camps, health facilities are available to cater for the health needs of children (assistance is provided both by Government and non-governmental organizations). Educational facilities with the communities are made available to refugee children. Training of day care attendants for refugee preschools have also been undertaken with assistance from the UNHCR.

2. Children in armed conflict

126. Ghana has had little experience of children being involved in armed conflict. In recent ethnic conflicts in the northern parts of the country, the Department of Social Welfare, the sole government agency responsible for abandoned and orphaned children, worked with the Save the Children Fund to provide care for the children affected by the conflict and organized family tracing and reunification services. In all about 2,737 children, displaced by the conflict, were placed in camps, the children's home or with identified relatives.

B. Children in conflict with the law

1. Administration of juvenile justice

127. The administration of juvenile justice is governed by the Code of Criminal Procedure 1960, (Act 30). Section 341 of the Act specifies that no court of summary jurisdiction other than a juvenile court shall hear any charge against a juvenile who by that Code is a child under the age of 17 years.

128. Act 459, the Courts Act 1993 designated community tribunals as courts to try juvenile cases and provides that the community tribunals must include a social welfare officer. This is being queried by the Department of Social Welfare as it is potentially a fusing of judicial and executive powers. This reform means that now juvenile courts are available at district level rather than at regional level.

129. Section 344 of the Code of Criminal Procedure provides that where a juvenile must be remanded he can be committed to the care of his parents, guardians or any fit person, a relative or otherwise, or a remand home for juveniles. Ghana has nine remand homes.

2. Sentencing of juveniles

130. The juvenile in conflict with the law may also be committed to a borstal institution or industrial school where facilities are available for education, counselling and reformation. In this case, the juvenile is detained for three years. Release in under three years is by executive review. In terms of justice, this may mean that a juvenile receives a longer sentence than he would if he were an adult. This has led to some juveniles claiming to be adults. Article 15 (4) of the Constitution prohibits juveniles from being imprisoned with adults.

131. Where children are committed to these institutions, parents and family members are encouraged to visit and help children to reform. This aspect is not easily achieved when the parents themselves are the victims of the children's offence.

132. A positive aspect of the Ghanaian family system is the willingness of members to take on and help with the upbringing of difficult children of other members of the family. As a result only very few difficult children find themselves institutionalized or detained. At present the number is less

than 100. Even so, efforts are being made by the Department of Social Welfare to improve the probation system to the level where juveniles will no longer need to be remanded.

133. The law of the country prohibits sentencing juveniles to imprisonment (art. 346, subsection 2, Code of Criminal Procedure 1960). In addition, the law provides that the death sentence cannot be pronounced against a juvenile offender.

134. Through the probation system and the establishment of the Borstal and industrial institutions, juvenile delinquents receive instruction and counselling for their reformation. These include social, physical, religious, educational and welfare activities undertaken mainly by social workers (reference: Department of Social Welfare Manual).

3. Children in situations of exploitation including physical and psychological recovery and social integration

135. The Labour Decree 1967 (NLCD 157) prohibits the economic exploitation of children by employment. The law, however, does permit employment with the child's own family and involving light work of an agricultural or domestic nature.

136. Illegal foreign contracts with young persons are also proscribed by NRCD 150, an amendment to the Labour Decree.

137. Whereas the country can boast of the non-existence of economic exploitation of children within the formal sector, the picture is not the same in the informal sector. Economic exploitation and child labour abound in the informal sector and basically through the voluntary giving away of children to well-to-do family members and other people as domestic servants. More often than not children so given do not go to school. The Ministry of Employment and Social Welfare is working on ways to address this problem.

4. Drug abuse

138. The illicit use of narcotic drugs among children in Ghana is a recent phenomenon. The realization of this trend led to public, social and educational campaigns to create awareness especially among schoolchildren on the harmful effects of these substances.

139. The Narcotic Control Board and the Police Narcotics Unit are government institutions that deal with illicit drug use, trafficking and sale. Specialized health institutions provide medical as well as psychological help for drug-addicted patients. Public exposure and stiff prison sentences are employed to discourage dealers in illegal drugs.

5. Sexual exploitation

140. Section 29 of the Criminal Code 1960 and the Criminal Code (Amendment) Act 1993, sections 97 to 111, offers protection for children in respect of sexual exploitation and sexual abuse.

141. Some forms of sexual abuse/exploitation exist in relation to customary practices of certain ethnic groups. One of these practices involves the debasement of the Tro Kosi system. Tro Kosi was a cultural practice where female children were given to fetish priests and trained in the local culture. Unfortunately, a number of cases are now coming to light of girls given to priests in atonement for the sins of their families and sexual abuse takes place. Parliament is in the process of discussing such practices with the view to enacting appropriate laws to prohibit them. A recent Law Commission Report, "The Impact of the Constitutional Provisions on the Customary Disabilities of Women in Ghana, a Report on the Abolition of Ritual Slavery, Forced Labour and other Related Practices", recommends changes to the law.